

# **R. LEE LIVINGSTON**

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Born Baton Rouge, LA - March 11, 1968  
Married, 2 Children

## **Employment History**

Tremblay & Smith, L.L.P., Charlottesville, Virginia  
Associate, 1994-1999  
Partner, 1999-present  
(Practice areas: Civil Litigation, Professional Malpractice, Personal Injury Law,  
Defamation Law)

Law Clerk to the Hon. B. Waugh Crigler, U.S. Magistrate Judge, Western District of  
Virginia, 1993-94

## **Licenses and Admissions**

Virginia State Bar, 1993 (No. 35747)  
All federal and state courts in Virginia

## **Education**

College of William & Mary, B.A., 1990, J.D., 1993  
Double major- government, philosophy; Fordham University Securities Law Moot  
Court Tournament- Best Speaker

## **Professional Associations and Experience**

University of Virginia School of Law

- Adjunct Faculty, "Trial Evidence: Principles and Practice," "Trial Advocacy," 2002- present
- Guest Lecturer, "Virginia Practice and Procedure" and "Pre-Trial Litigation"

#### Virginia Supreme Court

- Electronic Filing Study Group, 2007-2009.
- Appellate Rules Advisory Committee, 2005-2008.

#### Virginia Trial Lawyers Association

- Board of Governors, 1999-present.
- State Key Contacts Committee, Chair, 2004-2005.
- Fundraising Committee, 2005-present.
- Foundation Board, 2004-present.
- Continuing Legal Education Committee, 2000-present, Chair, 2003-2004.
- Publications Committee, Vice-Chair, 2001.
- Executive Director Search Committee, 2001.
- Young Lawyers Section President, 1999-2000.
- Membership Committee, 2006-2007.
- Legislative Committee, 2005-present.

#### Virginia State Bar

- Member, Litigation Section Board of Governors, 2003-2008; Chair, 2007-2008.
- Mandatory Continuing Legal Education Board, 2003-2009; Chair 2008-2009 (Virginia Supreme Court appointment).
- Editor, *Litigation News*, 1997-2003.

#### Virginia College of Trial Advocacy

- Board Member, 2000-present.
- Faculty, 2001-present.
- Chair, 2007-2008.

#### Virginia Bar Association

- Boyd-Graves Conference Member

### **Honors and Awards**

#### Martindale-Hubbell

- AV<sup>®</sup> Preeminent Peer Review Rating

#### Richmond Magazine

- Top Virginia Lawyers, Super Lawyer Section, Personal Injury, Medical Malpractice, 2009

#### American Trial Lawyers Association

- Top 100 Virginia Trial Lawyers

## **Publications**

### Editorial Advisory Board

“Trial Preparation Tools,” Beth Driscoll Osowski, James Publishing, Incorporated (2009)

### Books

Co-Author, “Evidence for the Trial Lawyer,” Curcio & Livingston, Matthew Bender & Company, Inc., a member of the LexisNexis Group (2008).

### Articles

“VTLA Members Open Message Windows Instead of Evidence Books for Quick Answers,” (a comprehensive summary of evidence topics covered on list serve) *VTLA Journal*, 2007.

“Qualifying Out-Of-State Experts on the Standard of Care in Medical Malpractice Cases: Virginia’s Sartorial Supreme Court and The Expert’s White Coat,” *VTLA Journal*, Winter 2004-2005. Republished in *Litigation News*, Spring 2005.

“Preparing Your Client for Deposition,” *VTLA Journal*, Winter 2001; republished in *Advocate*, Arizona Trial Lawyers Association, April 2002, and *The Briefcase*, Texas Trial Lawyers Association, Spring 2002.

“Lessons From the Masters: What I Wish I Had Known When I Started Practicing Law,” *VTLA Journal*, Fall 2001.

“Twelve Tempting (But Improper) Closing Arguments,” *Litigation News*, Winter 2000.

“The Work Product Doctrine and Discovery of Consulting Experts under Virginia Rules of Court,” *Litigation News*, Winter 1995.

## **Lectures and Presentations**

1. National Trial Advocacy College Mock Trial Judge, “*Commonwealth v. Stein*”, Virginia CLE, January 14, 2010, Charlottesville, Virginia.

2. "Proper Expert Disclosures after *Crane*" Virginia Trial Lawyers Association October Continuing Legal Education, October 28, 2009, Fairfax, Virginia.
3. "Use of Medical Literature at Trial" Virginia Trial Lawyers Association October Continuing Legal Education, October 2009, Roanoke and Fairfax, Virginia.
4. "Defamation" Charlottesville-Albemarle Legal Staff Association Monthly Luncheon, August 18, 2009, Charlottesville, Virginia.
5. "Ethical Issues in Discovery and Discovery Disputes" Virginia CLE, Civil Discovery Institute, August 14, 2009, Charlottesville, Virginia.
6. "Witness Preparation: What's Essential, What's Effective, What's Ethical?" Virginia CLE Webcast, August 12, 2009, Charlottesville, Virginia.
7. "Advanced Techniques in Cross-Examination: Indirection, Misdirection, Degradation by Degrees, The Genius Dilemma and How to Avoid the Fatal One Question Too Many," Virginia Trial Lawyers Association 50<sup>th</sup> Annual Convention, March 13, 2009, Williamsburg, Virginia.
8. "*Benitez* Bluffing and Bashing Use and Mis-Use of Civil Sanctions in Light of New Guidance from the Virginia Supreme Court," Virginia State Bar 35<sup>th</sup> Annual Midyear Legal Seminar, November 17, 2008, San Juan, Puerto Rico.
9. "Medical Malpractice Law Update," October 3, 2008, The Etheridge Society, Charlottesville, Virginia.
10. "The Bermuda Triangle of New Litigation Pitfalls: Sanctions, Waivers & Pleadings," Moderator – R. Lee Livingston, Esq., Panel – The Honorable Elizabeth B. Lacy, The Honorable Jane M. Roush and C. Kailani Memmer, Esq., June 20, 2008, Virginia State Bar Annual Meeting, Virginia Beach, Virginia.
11. "Advanced Techniques: Mastering the Art of Personal Communication," May 17, 2008, Virginia College of Trial Advocacy, Williamsburg, Virginia.
12. "Direct and Cross-Examination," May 17, 2008, Virginia College of Trial Advocacy, Williamsburg, Virginia.
13. "Developing a Theme and Theory of the Case," May 16, 2008, Virginia College of Trial Advocacy, Williamsburg, Virginia.
14. "Medical Malpractice Law Update," October 5, 2007, The Etheridge Society, Charlottesville, Virginia.

15. "Hearsay under Federal Rules of Evidence," August 30, 2007, TrialSmith, Inc. (a national telephonic CLE).
16. "Opening and Closing Statements," May 2007, Virginia College of Trial Advocacy, Richmond, Virginia.
17. "*Ford Motor Company v. Benitez* – Plaintiff's Perspective of the Implication on Pleading Practice," May 2007, Virginia Association of Defense Attorneys, Spring Seminar, Charlottesville, Virginia.
18. "Attorney Sanctions in Recent Virginia Supreme Court Cases," May 2007, Thomas Jefferson Inn of Court, Charlottesville, Virginia.
19. "Preparing a Client to Testify," Panel Speaker, Virginia Trial Lawyers Association Convention, April 2007, The Greenbrier, White Sulphur Springs, West Virginia.
20. "Direct and Cross Examination in Administrative Hearings," February 2007, Virginia Employment and Labor Law Association Pro Bono Project, Charlottesville, Virginia.
21. "Cross Examination," October 2006, Virginia Office for Protection and Advocacy, Richmond, Virginia.
22. "Handling an Automobile Negligence Case in Virginia – The Case Prior to Suit," Annual Advocacy Seminar 2006, Richmond and Roanoke, Virginia.
23. "Cross Examination Drills," May 2006, Virginia College of Trial Advocacy, Williamsburg, Virginia.
24. "Hearsay," Charlottesville-Albemarle Bar Association, CLE, March 2006.
25. "Evidence for the Trial Lawyer – Hearsay," Annual Advocacy Seminar 2005, Richmond and Roanoke, Virginia.
26. "Overcoming Practical Problems in Voir-Dire," (Panel) May 2005, Virginia College of Trial Advocacy, Williamsburg, Virginia.
27. "Real Evidence for the Trial Practitioner," April 2005, Lorman Education Services, Arlington, Virginia.
28. "Practical Legal Ethics for Virginia Attorneys and Law Office Personnel," Richmond, Virginia, October 2004, Half Moon, L.L.C., LeClair Ryan Law Firm, Richmond, Virginia, April 2005, Charlottesville-Albemarle Bar Association, March 2005, (materials authored by Thomas E. Spahn, Esq.).

29. "Proving Pain and Suffering – Ileostomy and Ostomies," Charlottesville, Virginia, July 2004, Advanced Auto Retreat.
30. "Deposition Preparation," Annual May Tort Seminar 2004, Fairfax and Richmond, Virginia.
31. "Theme and Theory Development for Trial," February 2004, Charlottesville-Albemarle Criminal Bar Association.
32. "Governmental Immunity," Annual May Tort Seminar 2003, Fairfax, Norfolk, Richmond, and Roanoke, Virginia.
33. "Cross-Examination," May 2002, Williamsburg, Virginia, Virginia College of Trial Advocacy.
34. "Ethical Considerations in Dealing with Experts," Fall Fiesta CLE 2000 (materials authored by Thomas E. Spahn, Esq.).
35. "Ethics Hour: Preparation of Expert Witnesses," Annual Convention 2000, Virginia Association of Defense Attorneys (materials authored by Thomas E. Spahn, Esq.).
36. "Medical Malpractice: Considerations for the Plaintiff's Attorney," Annual Convention 2000, Virginia Association of Legal Secretaries.
37. "Use of Experts in State Courts," Virginia State Bar Mid-Year Legal Seminar 1999, St. John, USVI.

### **Other Experience**

Graduate, Institute on Political Journalism, Georgetown University, 1987

### **Community Activities**

Elder, Trinity Presbyterian Church (1997 – present)

Attorney Volunteer, Piedmont Legal Services (Legal Aid) (1999-2006)

Salvation Army Advisory Board (2002 – 2007)